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SUBJECT: CICIG: NEWLY APPOINTED COMMISSIONER VISITS
GUATEMALA TO DISCUSS FIRST STEPS TO COMBAT IMPUNITY

REF: GUATEMALA 1541 AND PREVIOUS

Classified By: Charge d'Affaires David Lindwall for reasons 1.4 (b,d)

11. (U) Summary: The newly appointed head of the International Commission Against Impunity in Guatemala (CICIG) visited Guatemala September 17-23 to discuss initial steps for establishing CICIG. Commissioner Carlos Castresana met with President Berger, Vice President Stein, and other senior government officials, political party leaders, and representatives of civil society and the diplomatic corps. The Ambassador hosted a breakfast for Castresana, and the CICIG team met twice with Embassy security sector officers. Castresana stressed that CICIG aims to facilitate, and not interfere with, the work of Guatemalan institutions. CICIG will be installed in November and will begin selecting and investigating cases in January 2008. End summary.

12. (SBU) During his visit to Guatemala September 17-23, Spanish prosecutor Carlos Castresana, newly appointed Commissioner of CICIG, met with President Berger, Vice President Stein, Foreign Minister Rosenthal, and other senior government officials to discuss initial steps for establishing the independent commission and to gain a better understanding of the challenges facing Guatemala. He also met with representatives of the judiciary, political parties, civil society, and the diplomatic corps, including the Ambassador, DCM, and Embassy's security sector officers. Castresana told Embassy officers that he would seek USG technical law enforcement assistance in the course of CICIG's work, ask Embassy for recommendations for trustworthy staff (whether U.S. or third country nationals), and consult with Embassy on CICIG targets of investigation.

13. (U) Vice President Stein welcomed Castresana and reportedly expressed interest in having CICIG investigate the Penitentiary System, the National Civilian Police (PNC), the Immigration Service, and Customs. Castresana announced that CICIG will be installed in November and will begin its investigations in January 2008. CICIG's agenda will be discussed once the Commission is operational.

14. (SBU) Minister of Government Adela de Torrebiarte and Castresana reportedly discussed staffing for CICIG's investigative team. The National Civilian Police will select an elite group of investigators who will be subject to periodic tests, including polygraph tests, drug tests, psychological exams, and declarations of personal wealth, to prevent infiltration of organized crime into CICIG. Some of the investigators will be recent graduates of the PNC Academy, while others will be experienced investigators. In addition, the Ministry of Defense will provide a group of

specialists, and the Attorney General's Office will select a team of prosecutors with expertise in counter-narcotics, organized crime, and human rights.

¶15. (SBU) Attorney General Florido and Castresana reportedly discussed the importance of coordination and established the preliminary bases for an agreement on collaboration between the two investigative entities, which Castresana anticipated would be completed by the end of this year. They also discussed the legislative reforms that would be necessary to improve the response capability of the judiciary. Florido told press that CICIG's investigative agenda had not been defined but expected that organized crime and narcotrafficking would be among its priorities. He affirmed that CICIG, per the GOG's agreement with the UN, has complete autonomy to select the areas of its focus and the cases for investigation, and that the investigations will be conducted by a group comprised of both Guatemalans and foreigners under Castresana's supervision. Florido offered to house CICIG in the Public Ministry building, but Castresana declined, preferring to have the independence of a separate office building.

¶16. (SBU) Castresana also met with Supreme Court President Ruben Eliu Higueros to discuss the judiciary's capacity to administer justice, including training of judges. He met with Human Rights Ombudsman Sergio Morales to stress the need for approval of pending laws, including the draft witness protection law. In meetings with members of the Congress, Castresana discussed legislative and constitutional reforms to improve the judicial process.

¶17. (SBU) Both presidential candidates Alvaro Colom (UNE) and Otto Perez Molina (PP) reportedly promised to collaborate with Castresana and to provide the necessary support to CICIG

to combat impunity. Castresana stressed that the success of CICIG will depend on the cooperation and support it receives from the next government.

¶18. (SBU) Colom expressed support for CICIG regardless of whether he wins the November 4 election. He expressed the hope that the Commission would thoroughly investigate impunity and not limit itself to a few isolated cases. He said he hoped that CICIG would investigate narcotrafficking and the lack of territorial control, particularly in the Mexican border area, infiltration of organized crime into the military and the police, and complaints of impunity and complicity of state institutions. He publicly announced that if he wins the presidency, he will open currently secret state archives. (Note: Press reports did not specify which archives. End note.)

¶19. (SBU) Perez Molina pledged his support for CICIG as a presidential candidate and on behalf of his party's congressional bench. He affirmed that his party will help with legislative reforms to combat impunity and that he will approve the necessary laws and maintain good communication with CICIG. He urged CICIG to investigate the institutions of the Ministry of Government, in particular the PNC, asserting that organized crime has co-opted the police. PP legislator Gudy Rivera told press that he would seek an initiative that would create a technical police unit in charge of investigations, similar to that of the FBI. (Note: The Ministry of Government is already organizing a new civilian intelligence unit. End note.)

¶10. (C) With the exception of office space and security for CICIG staff and persons who cooperate with CICIG (to be provided by the GOG), the costs of CICIG will be borne by voluntary contributions from the international community. Nevertheless, the Attorney General's Office publicly announced that it will request an increase of Q120 million (USD 16 million) in its budget to buy equipment for CICIG. In a private meeting in August, Presidential Human Rights Commissioner Frank La Rue told Embassy officers that the Attorney General was misinforming the public by requesting superfluous budget increases to support CICIG.

¶11. (C) Comment: Castresana seemed open and ready to collaborate with the USG and with the Guatemalan government in laying the groundwork for CICIG. When CICIG becomes operational in January 2008, it will be a key tool in combating the culture of impunity that continues to threaten public security in Guatemala. Its effectiveness and success, however, will depend in large part on the collaboration and support it receives from the GOG. Key challenges will be working closely with the very institutions that will be the target of its investigations, and ensuring that its investigations are not compromised by infiltration of organized crime.

Lindwall